

MINUTES OF HARRISONBURG PLANNING COMMISSION

July 8, 2009

The Harrisonburg Planning Commission held its regular meeting on Wednesday, July 8, 2009, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Jared Burden, Charles Chenault, Muawia Da'Mes, Alan Finks, Bill Jones and J.M. Snell.

Members absent: None

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Burden called the meeting to order and determined a quorum with all members in attendance. He then asked for review and approval of the minutes from the June 10, 2009 Planning Commission meeting.

Mr. Snell moved to approve the minutes from the June 10, 2009 meeting.

Mr. Da'Mes seconded the motion.

All voted in favor of approving the minutes. (7-0)

New Business

Preliminary Plat – City of Harrisonburg Plat Variance (Old Emswiler Farm)

Chairman Burden read the first item of business and asked for staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the city's parks and golf course, as well as private open space recreation uses, such as country clubs.

The following land uses are located on and adjacent to the property:

- Site:** 86-acre property owned by the City with single family dwelling and several barns and outbuildings (old Emswiler Farm), zoned R-1
- North:** City owned property, Ramblewood baseball fields, zoned R-1
- East:** Single family homes, zoned R-1
- South:** Single family homes, zoned R-1, and across Greendale Road, single family homes, zoned R-1
- West:** Across the Norfolk Southern railroad, Tenneco Walker facility, zoned M-1

The City of Harrisonburg is requesting to preliminarily subdivide a 15,745 +/- square foot lot from an 86-acre parcel, more commonly known as the old Emswiler Farm. The subdivision would require a variance from the Subdivision Ordinance per Section 10-2-42 (d) to allow the subdivided lot, which would include a single family dwelling and a garage, to not have public street frontage. The old Emswiler Farm parcel has frontage along Greendale Road and frontage along a small portion of Ramblewood Road, while also adjoining Interstate 81, and the Norfolk South Railroad on its western boundary.

The City owns three large tracts of land in this area including the subject parcel, a lot that includes portions of the old landfill, and the Ramblewood baseball field property, which as we know was built on top of the old landfill. Together, these properties make up about 144 acres of land. Since the City is not in the business of owning single family dwellings, the purpose of the subdivision is to separate the dwelling unit from the larger parcel so it can be sold. At this time, the City hopes that the subdivided parcel would eventually have street frontage again with a City proposal to establish a new right-of-way for the realignment of Greendale Road.

The City is still in the early stages of establishing where and how Greendale Road would be improved, but the general idea is to improve this street by creating a "T" intersection where the 90 degree turn is located, which is directly in front the proposed subdivision. The conceptual layout would extend Greendale Road across the old Emswiler Farm, crossing the Norfolk Southern railroad, and then to generally follow the HEC power lines through the Walker/Tenneco property to meet up with Pleasant Valley Road.

As shown on the plat, the City is establishing a 20-foot sanitary sewer lateral easement along with a 30-foot access easement. Staff has no concerns with the proposed subdivision and supports a favorable recommendation to City Council to grant the variance to allow the lot to not have public street frontage.

Chairman Burden said this is not a public hearing; however, if there is anyone wishing to speak regarding this preliminary plat you may do so at this time. Hearing none, he asked Planning Commission for discussion regarding the request.

Mr. Jones made a motion to approve the preliminary plat and variance as presented.

Mr. Finks seconded the motion.

Chairman Burden asked for a voice vote on the motion.

All members voted in favor of the motion (7-0) to approve the preliminary plat.

Chairman Burden said the motion to recommend approval carries and this will move forward to City Council on August 11th.

Alley Closing – Between Effinger and Kelley Streets (Adjacent to 33-G-1B, 2A, 3A, 4, & 5)

Chairman Burden read the request and asked for staff to review.

Mr. Fletcher said the applicant is requesting to close an undeveloped alley that is located between Effinger Street and Kelley Street. More specifically, on the southern end of the alley the right-of-way is found between 342 and 366 Effinger Street, and on the northern side of the alley between 121 and 165 Kelley Street. The undeveloped right-of-way is 10 feet in width and approximately 217 feet in length for a total of 2,174 square feet. As with all street and alley closing applications, if approved, each adjoining property owner will have the opportunity to purchase up to 50% of the width of the alley next to their property or they can purchase the entire width, if the neighbor on the opposite side of the alley chooses not to buy their portion.

As mentioned above, the alley is undeveloped and visually appears to be part of the adjoining yards. The applicant has stated their family has maintained the alleyway for over 49 years, likewise, their neighbors have consistently maintained the portions of the right-of-way adjacent to their properties. There is no water, sanitary sewer, stormwater, or electric facilities located within the existing right-of-way, therefore if City Council chooses to vacate the alley, no easements are needed to be reserved.

This right-of-way is one of several alleys within this area of the city that is undeveloped and not maintained by the City. The City has no plans to develop the alley and does not anticipate any negative consequences from vacating the right-of-way.

Staff recommends vacating the 2,174 square foot public right-of-way.

Chairman Burden said this is not a public hearing; yet, if the applicant would like to speak, they may do so at this time.

Donna Brock, 366 Effinger Street, said that there are two adjoining property owners, she and the Burgess family, who are both interested in purchasing the entire alley. Other adjoining property owners have not given any indication as to wanting to purchase their portion.

Chairman Burden asked if there was anyone else wishing to speak. Hearing none, he asked Planning Commission for questions or a motion.

Mr. Chenault moved to approve the alley closing.

Mr. Finks seconded the motion.

Chairman Burden asked if there was any discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor of the motion to close the alley (7-0).

Chairman Burden said this will move forward to City Council on August 11th with a favorable recommendation.

Ordinance Amendment – Section 10-3-92 & 10-3-98 (Setbacks for Structures Taller than 35 feet)

Chairman Burden read the request and asked staff for comments.

Mrs. Banks said staff is proposing to modify Sections 10-3-92 and 10-3-98 of the City's Zoning Ordinance. These two sections regulate area and dimensional regulations for the B-2, General Business District and also within the M-1, General Industrial District. Specifically, this amendment would clearly spell out that all structures in excess of 35 feet would have an increased rear and side yard setback.

Currently, Sections 10-3-92 and 10-3-98 read as follows:

Side (setback) – Ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any building greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot above thirty-five (35) feet.

Rear (setback) – Ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any building greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot above thirty-five (35) feet.

To further understand these regulations, the City's Zoning Ordinance defines a "building" as: Any structure intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind. A "structure" is defined as: Anything constructed or erected, the use of which requires location on the premises or which is attached to something having location on the premises. Therefore, a building would be considered a structure because it requires location on the property when constructed.

Staff has always interpreted that any building/structure was confined to the regulations as specified in Section 10-3-92 and 10-3-98 to necessitate greater setbacks when in excess of 35-feet in height. This also meant that staff interpreted a cell tower as needing the greater setback when abutting a residential district. However, during recent discussions with a mobile cellular company, staff took a harder look at whether a cell tower would be considered a building. Because a cell tower does not provide "shelter or house or enclose" anything, it would be defined as a structure and not a building. Sections 10-3-92 and 10-3-98 state only buildings need to meet the additional setbacks; therefore, cell towers would not be required the extended setback, if taller than 35-feet in height.

This amendment would replace the word "building" with "structure"; thus, clarifying that any structure greater than thirty-five (35) feet in height would require the additional setback when abutting a residential district. Staff recommends approval of the ordinance amendments.

Chairman Burden asked if there were any questions for staff.

Mr. Snell asked why are there two different words, building and structure, defined in the Zoning Ordinance. The reason I ask has to do with things like, fences, decks, pools, those non-building type things. If we amend the ordinance today, are we inadvertently impacting the idea of a fence or deck, and more?

Mrs. Banks said the Zoning Ordinance spells out fences separately, as well as decks, pools, patios, porches, and so on. The ordinance provides separately for these setbacks.

Mr. Fletcher said in this particular situation I do not realistically think that any pool or fence is going to be above thirty-five feet in height.

Mr. Snell questioned why do you think there was a difference.

Mr. Fletcher responded that this language has probably existed since the 1960's, maybe before, and I could not tell you what the crafters of the ordinance at that time were considering.

Chairman Burden asked what the thinking was behind the addition of one extra foot for every foot above thirty-five feet. For instance, if a building is thirty-seven feet in height, it would require an extra two feet.

Mr. Fletcher said this regulation only comes up in B-2 and M-1 districts when they abut a residential district. The fact that you have two very different type uses going on, it just provides for a further setback buffer between those two different uses.

Chairman Burden asked if there were any further questions for staff at this time. Hearing none, he opened the public hearing on the ordinance amendment and asked if there was anyone wanting to speak in general regarding the ordinance amendment.

Mr. Glen Hodge, attorney with Wharton, Aldhizer and Weaver, said on a per se basis we would not have an objection to this ordinance amendment; however on the next item that you have on your agenda you will see very clearly that the reason this ordinance is being proposed is because of the special use permit application we are making. Under the existing ordinances, our application meets all the requirements. While I am not opposing the ordinance per se, I am asking that you not allow this amendment to affect your view on our subsequent application and not give a retroactive effect on something that has not even been passed by the City Council.

Ms. Paula Figgatt, Independent Contractor representing Shentel, said there is also something else that I would like for you to consider. For anything that is in a residentially zoned area, co-location is not even a consideration; not even by a special use process. So, if you are going to make this change in your ordinance, I would like you to consider a change in residential areas to allow co-

location. Had we (Shentel) been able to co-locate in the residential area on an existing structure, it would have been an easy fix.

Chairman Burden asked if there was anyone else wishing to speak. Hearing none, he closed the public hearing and asked Planning Commission for discussion.

Mr. Finks asked staff if they had considered the suggestion that Ms. Figgatt brought up.

Mr. Fletcher said we would have to look into it. We are not aware of the potential conflicts that are occurring between residential uses and communication towers and the co-location of equipment. We can look into this idea.

Mrs. Turner said it would need to be an ordinance amendment brought back at a different time.

Mr. Snell said I have concerns about the structure/building language. There was a reason for it and for some reason we are just not figuring out what that reason is. In lieu of not having anything against this proposed amendment, I move for a favorable recommendation to City Council to amend the ordinance as staff has suggested.

Mr. Chenault seconded the motion.

Chairman Burden asked if there was any discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor of the motion for a favorable recommendation (7-0) to City Council.

Chairman Burden said this will move forward to City Council on August 11th, with a favorable recommendation.

Special Use Permit – Rockingham Mutual Insurance (Shentel Communications Tower)

Chairman Burden read the request and asked staff to review.

At this time Mr. Chenault recused himself and left the council chambers.

Mrs. Banks said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The following land uses are located on and adjacent to the property:

Site: Rockingham Mutual Insurance Company office building and parking lots, and portion of undeveloped Long Avenue, zoned B-2

North: Across East Market Street, professional office, zoned R-3C and dwellings, zoned R-2

East: Commercial offices and motel, zoned B-2

South: Undeveloped building lots fronting along undeveloped Franklin Street, zoned R-2

West: Dwellings, zoned R-2

The applicant is requesting a special use permit per Section 10-3-91 (4) of the Zoning Ordinance to allow a communications tower at no more than one hundred twenty-five (125) feet in height within the B-2, General Business District. The tower site is within the rear parking lot of the Rockingham Mutual Insurance Company office building located at 633 East Market Street, and also has frontage along the undeveloped portion of Long Avenue.

Shenandoah Mobile Company (Shentel), the applicant's representative, desires to construct a 79-foot structure consisting of a 75-foot uni-pole/stealth tower with a four-foot lightning rod. The actual telecommunication antennas would be located inside the uni-pole. The applicant has not stated whether co-locaters would be allowed on the tower; but if they were, those antennas would also be internal to the tower. Shentel proposes to lease a 30-foot by 30-foot compound area from Rockingham Mutual Insurance Company that would accommodate the uni-pole and the fenced-in area needed to house the accessory cabinets. An access easement would be provided to Shentel so that technicians could enter the leased area and perform regular maintenance on the tower and equipment. The uni-pole would also be constructed to fall within the property limits of Rockingham Mutual should it be damaged.

The applicant has stated that the objective of this tower is to improve coverage and provide additional resource capacity in the general vicinities of the James Madison University (JMU) Campus Area, JMU stadiums, and southwest downtown Harrisonburg. A new tower site would relieve call traffic on existing sites due to increases in subscribers, voice mail, text messaging, and high speed wireless users. Shentel has informed staff that multiple other tower and co-location sites were considered when exploring the coverage area; however, these sites were not feasible either because of the impact on the surrounding area, space being unavailable for co-location, sites being too expensive, or inadequate signal coverage reasons. Although staff does not know the exact coverage area that was looked at by Shentel, we do feel they have not exhausted all of the location possibilities for the area. There are nearby facilities located at 1400 East Market Street (Holiday Inn), the City's Public Safety Building at 101 North Main Street, and the Public Safety Tower at Stone Spring Elementary, along with the feed mill towers along Kratzer Avenue. Additionally, there may possibly be buildings within the JMU campus that would be feasible for a co-location site.

This portion of East Market Street is a very visible and highly traveled corridor of the city and a 79-foot tower would have a significant visual impact. The tower would be considerably taller than any other structures in this general area of the City. The applicant states the tower will be surrounded by mature trees, which would lessen the visual impact. However, staff has concerns about the accuracy of the visual perspective, provided by the applicant, showing the tower with 50-foot tall trees nearby. In order to clear the site for the 900 square foot compound area, some of the mature trees would need to be removed, therefore exposing the tower and increasing its visibility.

The proposed uni-pole location adjoins residential zoning to the south and the west. The required setback for the B-2 zoning district when abutting a residential district is thirty-feet. A site layout of the compound area shows the tower base approximately 244-feet from the single-family dwellings to the west and 38-feet from the undeveloped R-2 properties to the south. The setback requirements for B-2 further state that for any building greater than 35-feet in height, which abuts a residential district, then one additional foot of setback is required for each foot above 35-feet. In the past, zoning staff has interpreted this language to include any building or structure taller than 35-feet; although the requirement refers only to buildings. There was confusion between the applicant and staff regarding the interpretation of this requirement; as the applicant understood it, only buildings required the extended setback. The Zoning Ordinance defines building and structure separately, and a cell tower is obviously a structure. Since no one had ever questioned our interpretation of this regulation and due to its vague terminology, staff concurred with the applicant and did not enforce the additional setback as provided on the site layout. Therefore, should single-family dwellings develop within the R-2 area behind the tower, their minimum required rear setback would be twenty-five feet and ultimately, the separation between the tower and dwellings could be as little as 63-feet, which is less than the height of the proposed tower. Due to the setback confusion and to

clarify the intentions of the setback regulations, staff has prepared an ordinance amendment to rectify this matter.

This corridor is a major entrance into the downtown area of the City. The quality and character of development along this travelway strongly influences the city's attractiveness; special consideration should be given to land uses, design quality and streetscape along this corridor. A photo simulation, provided by the applicant, using a balloon attached to a string, shows multiple locations along East Market Street from which you would see the tower. Of course the actual tower would have a greater visual effect on the area than the balloon reveals. Allowing a communications tower at this location is counterproductive to the beautification of this corridor and to the Comprehensive Plan. Staff also has concerns regarding the impact the tower would have on the adjoining neighborhoods, especially with the lessened setback. For these reasons, along with the possibility of co-locating on less visible site locations, staff recommends denial of this application. If Planning Commission, however, decides to recommend approval to City Council, staff suggests the following conditions:

1. The tower shall meet side and rear setbacks of 10-feet, except on the side/rear of a lot abutting a residential district, then 30-feet; provided that for any structure greater than 35-feet in height which abuts a residential district, then one additional foot of setback is required for each foot above 35-feet.
2. The tower shall be painted a neutral color that shall help reduce its visibility.
3. The tower shall be designed such that if damaged, it would fall within the limits of the property upon which it is constructed.
4. Placement of advertising of any kind is prohibited on the tower.
5. The tower shall not interfere with the Harrisonburg-Rockingham Emergency Communications system operation.

Chairman Burden asked if there were any questions for staff regarding the special use request. Hearing none, he opened the public hearing and asked if the applicant or applicant's representative would like to speak.

Mr. Glen Hodge, attorney with Wharton, Aldhizer and Weaver, said he is speaking on behalf of Shenandoah Mobile, which we will refer to as Shentel. He then introduced Paula Figgatt, who works for Shentel in acquisitions; Lyn Greisz, Vice President for acquisitions with Shentel; Anthony Perrault an engineer who can answer all your technical questions; and Jim Johnson with Wharton, Aldhizer and Weaver. These people are here to answer any questions that I may not be able to answer for you tonight. As you see, Shentel proposes to build this cell tower on the Rockingham Mutual property, along the south side of East Market Street. In order to build this tower a special use permit is required. Shentel wants to build the tower to improve communications on the west side of the ridge along where Ott Streets runs; this will provide better communication on the I-81 corridor, particularly the James Madison University (JMU) campus. This tower will also act to relieve the burden on other existing cell towers that Shentel has in this area. Each of these cell towers has a certain capacity, and when they reach that capacity, if they cannot pass-off a signal, you get dropped signals. What Shentel is finding in this area is, with the dramatic increased use of wireless telecommunications, they need this additional tower. There is a significant increase of users in this area because of JMU enrollment, which is projected to be an ongoing increase, and because of increased housing units. It has gotten to the point where there are more people using cell phones solely as their only means of communication than there are people who only use land lines.

Shentel must meet both FCC requirements as well as the local land use requirements. I do not know how familiar you are with the FCC regulations; but, the FCC requires an environmental impact study to make sure that the tower does not impact on wilderness areas; Shentel has completed this study. The other area that Shentel would be required to do a study is the historical impact. The FCC delegates to a state agency a determination as to whether or not there is any adverse impact on historical sites. Shentel has also completed this study and while there are four potential historical sites within this half-mile radius, the Virginia Department of Historical Resources has determined that this tower would not have any adverse affect on any historical site within the City. This brings us to the local land use regulations and the special use permit we must acquire.

I wanted to address two issues that I basically heard coming from the staff report. First of all is the issue of the setback. We have met our requirements and our setback would meet the requirements. We ask that you not apply the proposed amendment to our request. Do not apply a rule to us that is not in existence at this time. Also, if that rule is applied, Shentel would not be able to build on this site. The other issue that appears to be driving the staff's recommendation is one of what I term aesthetics. On this issue the staff report states in part that "the quality and character of development along this travelway strongly influences the City's attractiveness. Special consideration should be given to land use, design quality, and streetscape along this corridor and allowing a communications tower on this location is counterproductive to the beautification of this corridor and the Comprehensive Plan"; this was one of the reasons for the recommendation to deny the request. I suggest to you that this tower will not have such an adverse impact on the aesthetics of this portion of East Market Street. Driving that roadway reveals numerous commercial establishments that I think most people will consider to be unattractive; much more unattractive than the 75-foot flagpole tower. This is not a pristine corridor to start out with. Another thing I want to point out to you is the electric power lines and telephone lines that run along both sides of that street. I do not know anyone who thinks a power line looks attractive; but we know they are necessary because we know that we have to have electricity. I would submit to you that cell phones and communications are rapidly approaching that type of need. There are a lot of things in the Comprehensive Plan that would suggest that a good communication system like this is something that is consistent with the plan. I do not think it is necessary to go through the plan and point out specific provisions in the Comprehensive Plan; but if you want I can show you provisions in the plan that would support this type of construction.

For these reasons I would ask that you disregard the planning staff's recommendation and that you do make a recommendation to City Council to approve this site for a cell tower. If you have questions about whether or not a thorough survey of sites was performed I can tell you that based on my communications with Shentel they looked at several sites and this was the one that they felt they had to go with. There are reasons that others would not suffice, and I will turn that over to Paula Figgatt to discuss as to why they were not satisfactory.

Chairman Burden asked if there were any questions for Mr. Hodge.

Mr. Snell said he had several questions. Why 75-feet in height?

Mr. Hodge said I believe 75-feet accomplishes two things. First it gives Shentel the signal coverage that they want and secondly, it still minimizes the height. Your ordinance permits up to 125-feet in height, but Shentel is trying to hold it down so that it would not be as obvious.

Mr. Snell said if 75-feet is best coverage, does 60-feet suffice?

Mr. Hodge said I can attempt to answer your question, but I may need to defer it to someone else with me. The reason is there is a question about having space to co-locate other cell providers. As I

understand, 75-feet would allow three co-locators; Shentel and two others. In effect, what they are trying to do is to not have a bunch of short towers sprouting up, just this one.

Mr. Snell said one of staff's proposals for conditions regarding the tower shall fall within the limits of the property; is that even a possibility.

Mr. Hodge replied, yes it is. We have obtained from the manufacturer of the tower the specifications. This tower will withstand winds of 90 miles per hour, with a 25 percent safety factor. If it were to fall, it will be falling within a radius of 31-feet, I think. That is what the manufacturer is stating.

The other points that staff had noted I will address also. Painting it a neutral color; Shentel will paint it whatever color you want. It is designed that if it is damaged it will fall within the limits of the property. There will not be any advertisements placed on the tower. In answer to number five, interference with Harrisonburg/Rockingham Communications, that is something dealt with by the FCC and certainly Shentel does not want to violate any FCC regulations. Therefore, I think we have all conditions covered, except for number one, the setbacks.

Mr. Da'Mes asked if someone could explain how a flagpole would simply collapse within 31-feet.

Paula Figgatt, Shentel Contractor, said the need for this cell tower site is capacity. More people are using cell phones, they are getting away from land lines and the coverage area starts to shrink. The engineer here tonight can go into more detail with you about that; it is very complicated. I think if you get up to 23 users at one time using a cell phone, the coverage area starts to shrink. I think telecommunications has the most rigorous regulations in place. We actually started this process back in November of 2007 when I got issued the search ring for this tower. There are seven State agencies that need to sign off on this application.

To answer Mr. Snell's question about 75-feet in height, the reason is because of the visual impact for one and it was the minimal height required to give us good coverage. It will provide for co-location. We plan to maintain the taller trees in the vicinity and if you get below the trees you are not going to have good coverage. With 75-feet we could put three users on the tower; Shentel and two others.

We had seven State agencies sign off on this, including the Department of Historic Resources that say this site has no adverse effect. We also have Inland Fisheries, Travel Groups, and others who have signed off on this site. We have been working diligently with Saber, the manufacturer of the pole, and they have supplied us with this letter to comply with the request of falling within the limits of the property line. The tower itself is segmented when it is built so that there are certain break points; it is not one large tower. You can design a tower anyway you want to create the segments and this one is designed to fall within the limits of the property line. I hope this information and the letter from the manufacturer addresses these concerns. I also have a package that includes the photo simulations and a propagation map of what this site will provide as far as coverage.

When I was issued the project letter Shentel said we want co-location for this, look at everything you can co-locate on because that is always our first option. It is less expensive for co-location than it is to build a tower. In November of 2007, I met with Nancy Stone and we went through the code. She told me that towers are not allowed, even as co-location in R-1, R-2, R-3, R-4, MH-1, MH-2, and B-1A. In B-1 it is by right as a co-location and you can get a tower up to 75-feet, by special use permit. In a B-2 district there is a special use for a 125-foot tower. In M-1 it is by right with a limit of 125-feet; anything above that is by special use permit. Mrs. Stone provided the setback

requirements for the towers. When I started my search it became apparent there were a lot of residential areas that we could not even consider for this tower.

Some of the areas we looked at: Eastover tennis courts, we felt we could replace one of the 40-foot light poles, but it is zoned residential and could not be considered; the Aerhart property along Kenmore Street, zoned B-2 and vacant, the property owner said they were pursuing other alternatives for the property; the Big Lots and Food Lion shopping center, zoned B-2, the property manager said they were not interested, they did not even counter offer our request; the flagpole at Arby's, the ground space is encumbered by a drive thru and mechanical equipment making it unusable for us. We did look at a tower that the railroad had constructed; it was outside of our search ring; however we had just co-located on a 125-foot Verizon tower just south of the railroad tower. We also looked at a couple rooftops along Cantrell Avenue; they were 30-feet in height and not quite tall enough for what we needed. That's when I looked at the parking lot of Rockingham Mutual and it worked. The site itself is about 50-feet higher in elevation than some of the other sites we looked at; which is another reason we do not need the 125-feet, we are already up higher because of the topography.

I do want to address other sites that the City wanted us to look into. JMU does not allow for any telecommunications on campus, anywhere, unless it is their own. Holiday Inn is within another search ring that we have for a proposed 150-foot tower in Rockingham County. The Emergency Services building near Court Square is not needed because we are already located on 80 Court Square; and we are co-locating on Stone Spring Elementary School already.

Mr. Finks asked if they had looked at 865 Port Republic Road for co-location.

Mrs. Figgatt said she was not familiar with the site; however they are already on the Port Republic Road tower site and Stone Spring Elementary site and it would probably overlap.

Mr. Fletcher asked about locating on the Urban Exchange building downtown.

Mrs. Figgatt said that building would overlap with the Court Square site, and may not clear the ridge. This proposed site is further up the hill and looks down towards the east. But to answer your question, I have not tried that site it is way out of our search ring.

Chairman Burden asked if there were any further questions for Mrs. Figgatt.

Mrs. Figgatt said there are two uni-poles in close proximity within Rockingham County that are located within groves of trees and they are very aesthetically pleasing. One is in Massanutta Springs and the other in Port Republic. Also, I have met with two adjoining property owners who requested a meeting. They live in the residential neighborhood along Crescent Drive. We walked the site and they are satisfied with the tower location; you cannot even see the tower location from their homes because of a massive amount of pine trees within their back yards. We took photographs from this area when the balloon was flown and you really could not see it from any spot along Crescent.

Mr. Snell asked if the applicant would expand on why moving the tower in on the property, possibly into the parking lot, to meet the requirement of condition number one would not work.

Mrs. Figgatt explained that putting the tower into the parking lot would obstruct Rockingham Mutual's parking lot. It would have to be a long narrow site, possibly 60-feet by 10-feet and the owners do not want to have a uni-pole in their parking lot. The location where it is proposed in the grove of trees is perfect for a uni-pole because more than half of the pole will be disguised by the trees. We plan to maintain all the mature trees in the area.

Mr. Da'Mes said there is obviously a financial implication to having 75-feet that allows for two other co-locators. Would you need to go 75-feet just to satisfy the needs of Shentel or is the financial outcome of having two co-locators more beneficial?

Mrs. Figgatt said no, 75-feet was the minimum height we could go to meet the coverage objective. We started at 125-feet; but knew we would have to go low. We did not want to compromise our coverage to go lower. If we go lower we will be in the trees and the signal will go nowhere. Also, if you go lower you will need another site sooner, rather than later.

Mrs. Banks asked Mrs. Figgatt to clarify the exact height of the tower; would it be 75-feet plus a 4-foot lightning rod for a total of 79-feet or only 75-feet.

Mrs. Figgatt said the tower height is going to be 74-feet with a one foot lightning rod, for a total of 75-feet. If the tower is approved that height change would be made to the drawings. Also, the Forestry Department has a color that they use on tower sites; it is somewhat the natural color of the trees.

Chairman Burden asked if anyone wanted to hear from any of the other Shentel resources at this time. Hearing none, he asked if there were any further questions.

Mr. Da'Mes said now that they have provided a comprehensive listing of how they have exhausted all of their options, do you now feel satisfied or do you feel other options remain.

Mr. Fletcher replied I am no expert in knowing about the coverage area that was being looked at or the available options where they can co-locate; but, if I recall from earlier conversations, Mrs. Figgatt said there were a few locations that may have been rather expensive for them to find co-location. These may have been at the Big Lots/Foodlion Shopping Center that was already discussed. It is hard to tell where else that they could co-locate that perhaps staff has not thought of or that Shentel has not looked at. We try as best as we can when we get inquiries about special use permits for telecommunications towers to suggest co-location; often we are successful, because these towers do not come forward for special use permits. There are definitely a lot of poultry feed mills in the area that are well above 125-feet, that they could co-locate on, I do not know if any of these are in the coverage area or not.

Mrs. Figgatt said the feed mills are outside of the coverage area and they emit a lot of dust which also causes interference with the antennas. We are finding that with co-location on some of the mills in Staunton there is always lots of dust from the mills. We have to clean the antennas almost weekly because of all of the grime that comes out from the feed mills.

Chairman Burden asked if there was anything else that the applicant or applicant's representative would like to add at this time. Hearing none, he asked if anyone else would like to speak in favor of the special use request. Hearing none, he asked if anyone would like to speak in opposition of the request. Hearing none, he closed the public hearing and asked Planning Commission for comments or a motion.

Mr. Snell said I think staff's summary is exactly on target; we have to look closely at these major corridor areas. We need to be very careful when considering this type of use. I think that we have been very careful here this evening. I saw the balloon pictures and quite honestly, if those pictures are accurate, there is a lot of stuff in town that is taller than that 75-foot tower. I think that Shentel has made their point that this is the location they need. I do not think there is anything that I am opposed to about putting this pole there. I do have the safety concern and I hope that this letter is accurate regarding collapse. The fact is that 60-feet would not get it for Shentel, they need 75-feet; the difference is not a significant amount to me. Condition number two – paint the tower a neutral

color; that is a definite. Condition number three – I believe they have answered how the pole will react if damaged. Condition number five – I believe the FCC trumps the City; but if we feel it is necessary it does not hurt to include it.

Mr. Jones said condition five gives the City the right to come in and take action if there is interference, rather than wait for the FCC to take action.

Mr. Snell agreed.

Mr. Finks asked as JMU encroaches into the City of Harrisonburg, what would they do if the property they purchase includes a cell tower. Perhaps tear it down. They have plenty of locations where they could serve the student population with cell service. I agree that there are some ugly places along this stretch of East Market Street that we would like to see go away; however, I do not know if by agreeing to something that is not exactly the greatest aesthetic value is the right direction for us to take.

Mr. Jones said while I agree with what you are saying, I come back to the definition between structure and building. I know the technology of this particular design collapse is in use because it is being used in highway applications with signage and bridge abutments.

Mr. Da'Mes said the Shentel group has shown that there is a definite need for this tower. I look at some of the other taller towers that are existing in the City and they are significantly higher than what is proposed here; therefore the height does not trouble me too much. What does trouble me is that while the residential area is not currently developed, we need to consider that it will be; and what would be the impact. I do not buy Mr. Hodges argument as to the fact that it is not relative as far as aesthetics, I believe it is a matter of opinion. I appreciate that this is a monopoly, and it is at 75-feet when the ordinance allows for 125-feet. For me it comes down to a need versus an impact and have we exhausted all the options. They have been working on this for a couple of years and it sounds to me that they have done an exhausted search. Towers are a reality of our future.

Mr. Jones said the inevitability is that this is where the communications industry is going; we all like the convenience of hand held cellular devices and a tower is the nature of the beast. Unfortunately, there is not another mechanism or vehicle by which they could accomplish what they need to provide us with the service that we are becoming accustomed to. I do not have any problems with the location where they want to put this tower.

Mr. Baugh added he has a few problems with the proposal. To echo what Mr. Da'Mes was saying about the argument that "East Market Street in this area is kind of ugly anyway, so why not a tower". Things will not get any better if we just let anything go in. Second concern, also raised by Mr. Da'Mes, is the fact that we have undeveloped residential property right next to this site, one of the only undeveloped residential properties in this part of the City. I have concerns about this; it may be a potential problem down the road with the development of that property. Finally, we had a similar request for this along Kenmore Street several years ago, and what was discussed at that time was putting a tower up for a one year time period. The applicant said they were very close to a deal with JMU for tower placement and would only need the one year time frame. We recommended against the tower on the theory that if you are so close to a deal with JMU, then go cut a deal with them. I have heard what has been said about location at JMU, but if we are looking at doing something that is primarily to benefit JMU students and JMU is taking the stand that a tower on their property is off the table, then I have a problem. I am certainly willing to get more information on this and keep an open mind about it, but as it stands right now I still have the concerns about the impact on the adjoining properties and why are we granting a special use permit to solve something for JMU students.

Chairman Burden said he has absolutely no problem with this request at all. The idea of the monopole to augment or maybe even create cell service in an era of ubiquitous cell phone usage by everybody. I am persuaded by a letter signed and sealed by a professional engineer regarding the 31-foot fall zone, which is within the 40-feet away from theoretical future residential property. Seems to me that all practicable options for co-location or tower sites have been exhausted and theoretically this tower could have been a lot taller; but they have mitigated that by proposing essentially a 74-foot tower, with a one foot lightening rod that would probably not be visible. I do understand that Shentel has said they agree with conditions two thru five and that they dispute condition number one; I am persuaded that they do not need the added setback.

Mr. Da'Mes said I think there are two options; we can move forward with a motion, or the applicant may want to table and exhaust more location options before bringing this back to us. If a motion to approve is made I feel we should make a condition to limit the height of the tower to 75-feet.

Chairman Burden said are you saying strike recommended condition number one and add this condition.

Mr. Snell said the application was for 75-feet so I do not think they could go any higher. He then offered a motion for a favorable recommendation to City Council on the special use permit with five conditions. Conditions numbers two thru five and the additional condition that the tower is limited to 75-feet in total height.

Mr. Jones seconded the motion.

Chairman Burden called for a roll call vote on the motion.

Commissioner Finks – no.

Vice Mayor Baugh – no.

Commissioner Da'Mes – yes.

Commissioner Snell – yes.

Commissioner Jones – yes.

Chairman Burden – yes.

Chairman Burden said the motion passes (4-2) and this special use permit request will move forward to City Council with a favorable recommendation on August 11th.

At this time Mr. Chenault returned to the Council Chambers.

Rezoning – 907, 915, 917, & 919 North Main Street (ILEX LLC)

Chairman Burden read the request and asked staff to comment.

Mr. Fletcher said the Comprehensive Plan designates this area as Commercial and Medium Density Mixed Residential. The Commercial designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. The Medium-Density Mixed Residential designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The following land uses are located on and adjacent to the property:

Site: Vacant property, zoned B-2 and R-2 and an office building with non-conforming dwelling

units, zoned B-2

North: Dwelling units and vacant property, zoned R-2

East: Non-conforming dwelling units, zoned B-2

South: Across North Main Street, 7-11 convenience store and car wash facility, zoned B-2

West: Across Ashby Avenue, non-conforming dwelling unit, zoned B-2C

The applicant is requesting to rezone approximately 1.2 acres of property located along North Main Street and Ashby Avenue to M-1C, General Industrial District Conditional. This property is comprised of a parcel zoned R-2, Residential District with frontage on Ashby Avenue, a second lot at the corner of the intersecting streets zoned B-2, General Business District, and a portion of a third parcel also zoned B-2 located along North Main Street.

The applicant has offered several proffers and plans to construct mini-storage units that would be encompassed within a gated facility that would require access codes or keys to enter the property. The submitted design, which has not been proffered, illustrates three buildings, the larger of which is planned to be a climate controlled facility. The applicant has proffered the property would only allow the following uses:

- Warehousing and other storage facilities; provided that the size, volume and contents shall be governed by applicable safety regulations,
- Mercantile establishments and office facilities accessory to and supportive of the sale, processing and storage of goods and materials as permitted in this district,
- Accessory buildings and uses customarily incidental to any of the above listed uses,
- Public uses, and
- Public and privately owned parking lots and parking garages.

Along with the above proffered uses, if approved, applications for all special use permits would be allowed. As mentioned above, the submitted drawing of the layout of the mini-storage units is not proffered; however, there are specific details that are illustrated on the plat that are part of the application. As shown, the applicant has proffered to install and maintain a 10-foot landscape buffer along the proposed rezoning area where it abuts R-2, zoned properties. The buffer would contain a combination of existing trees and shrubbery supplemented by additional vegetation that would be planted at a maximum separation of six feet. Where appropriate, vegetation will be staggered to provide an effective visual screen. The applicant has also proffered to improve the streetscape in this area by planting and maintaining small ornamental trees, such as flowering dogwoods, installed at 40 to 50-foot intervals along North Main Street; he has noted there will be at least four trees provided and that they will be 1" to 2" in caliper when planted. Along with the street trees, the applicant will also plant and maintain a 20 to 30 square foot landscaped garden, near the corner of the property, which would include a four to five foot sign, evergreen shrubbery, and flowers. All of the plantings and signage will be situated to not adversely impact sight distance.

A black, metal, picket style fence would be provided along the frontage of North Main Street and Ashby Avenue. The remaining portions of the facility would be fenced with a complimentary black chain link style fence. The fencing would include gates requiring access codes that restrict the use of the property for tenants and employees only. The applicant has also proffered to limit the hours of operation from 6:00 a.m. until 10:00 p.m., and that the property's lighting would be directed downward toward the buildings and to utilize environmentally friendly lighting to conserve electricity. An additional proffer includes that the development shall provide two stormwater management areas to help increase water quality and reduce the current peak flow of water.

Finally, the submitted layout illustrates an egress only outlet onto Ashby Avenue, which the applicant has proffered. If approved, staff is hoping to work with the applicant and the owner of the planned restaurant use across Ashby Avenue to align their ingress/egress points to reduce congestion and traffic maneuverability near the intersection with North Main Street.

Although not proffered, the submitted drawing shows they would close the existing entrances along North Main Street and create one new entrance. The driveway would extend parallel to the existing office building where the proffered security gate would be generally located. Once through the gate the drive would wrap around the rear of the office building into the mini-storage facility. Also not proffered, but planned by the applicant, is to make stormwater infrastructure improvements along Ashby Avenue and to utilize rainwater harvesting techniques on the site.

Unrelated to the rezoning, but significant to the overall development, if approved, the applicant should be aware they would eventually be required to remove the existing property lines to build the planned structures. During the subdivision process, they will be required to dedicate right-of-way along the frontage of both Ashby Avenue and North Main Street as neither of those streets have the appropriate amount of right-of-way width. Furthermore, the Master Transportation Plan designates street improvements that would include a center turn lane and to remove parking on North Main Street between Noll Drive and Charles Street. The Plan also specifies that this section of North Main Street does not have adequate bicycle facilities. Since the subject property falls within this area, the property owner could be required to not only dedicate right-of-way, but also build the necessary street improvements.

Staff appreciates the applicant's willingness to proffer several details to help beautify and lessen the impact caused by the proposed development; but since North Main Street is one of our major thoroughfares and corridors to our downtown, we have several concerns with the justification for this request. First, other than the area around the poultry facilities near Johnson Street and Kratzer Road, and the large parcel where the Intrapac and Montebello companies manufacture aluminum tubes, there are no parcels along this strip planned for industrial uses. Essentially, all of the lots that are designated Industrial by the Land Use Guide have existing industrial uses and are zoned M-1. The majority of the lots along the northern portion of North Main Street are mainly desired for commercial or planned business type uses, and for the most part, the subject parcels' existing zoning regulations are in agreement with the Comprehensive Plan. The lots fronting along North Main Street are commercially zoned and commercially designated and the R-2 lot along Ashby Avenue is designated as Medium Density Mixed Residential. Staff does not want to promote rezoning parcels for undesired land use types, especially in extremely visible locations.

Secondly, as demonstrated by the Comprehensive Plan, the subject parcels are also encompassed within a Corridor Enhancement Area. Parcels that fall within these corridors strongly influence the City's accessibility, attractiveness, and its economic vitality. The City recognizes the importance of these areas and the impact they have on the overall quality and character of the city, and therefore, strongly encourages all proposals and construction to embody quality development and to contain exemplary attributes such as improved streetscapes, multi-modal transportation enhancements, conservation of special features, and other upgrades while also incorporating aesthetic signage. Staff is grateful for the applicant's readiness to proffer several landscaping and streetscape details, but the proposal is still unwarranted. With over 100 vacant, industrially zoned parcels including more than 240 acres, all of which would allow mini-storage and warehousing type uses by-right, a rezoning for such an operation is unnecessary. Furthermore, a development of this type does not depict the type of use desired for this section of North Main Street, and thus is not in the best interest of the City.

Maintaining the subject parcels' existing zoning categories protects the long term goals of the City while it also promotes the greatest potential for these properties. A rezoning for the proposed use would not only alter the characteristics of this neighborhood, but also pigeonhole and label this and surrounding parcels for years to come. Approving this rezoning could undermine the marketability of North Main Street and it would be counterproductive to achieving particular objectives as specified within Chapter 5 of the Comprehensive Plan. Some of these objectives include ensuring that development is compatible with surrounding uses, ensuring that rezonings conform to the Comprehensive Plan, and creating positive images and improvements at city gateways and major travel corridors.

Staff believes the application is unsubstantiated and recommends denial of the rezoning request.

Chairman Burden asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Glen Loucks, 919 North Main Street, said he is the owner and is looking to rezone the property in order to compliment his current business of rental property by putting in the secured mini-storage. Currently, there is no secured mini-storage within the City; it is a very, underserved market. If you have been to the site you are aware there are some aesthetic issues along North Main Street. This request, I think, would improve the area and would be a good transitional use for this property. I would like to see North Main Street develop with expensive retail and commercial space along every block. For me putting that in my site is financially unfeasible and it is not going to change the character of the entire street. One reason that Main Street is stagnant at this point is because there are a lot of rules against building there and the way that the zoning has been place on the properties. There is less than 100-feet between back of sidewalk to the R-2 zoned area, there is a 30-foot setback required in the rear, a 30-foot setback required along the public streets and I have been told by staff that if I want to move those property boundaries then I would need to give right-of-way. It does not leave a lot of space for commercial development. I appreciate the staff's summary of what I am proposing, they did a very complete job, and I agree with everything except the conclusion. I feel the proposal is something that would add aesthetically to that area, it would be a good transitional use for the area. If we are expecting the top level stores to be built along Main Street when everything else is currently lower level, then we are just going to have vacant property.

Chairman Burden asked what would the buildings look like, what would they be built of.

Mr. Loucks replied they would be metal buildings, traditional mini-storage units; they would be behind a metal picket fence. There will be an aesthetic tree buffer along the front. The center building would be climate control and the two other buildings would be standard, enter from the outside, mini-storage units.

Chairman Burden asked if the exterior would be metal.

Mr. Loucks said yes.

Chairman Burden asked what would the roof be made of.

Mr. Loucks replied it would be metal as well. The very front building we are proposing to do a façade along the front with a matching façade at our existing building, so that it ties the two together.

Chairman Burden said would the other buildings be flat membrane roof.

Mr. Loucks said they would be flat metal roof. Just like our main building that currently exists next door to this.

Mr. Da'Mes asked did you buy the property with this in mind and why have you found that there is a need for secured storage in the Harrisonburg area.

Mr. Loucks said I bought the property with that reason in mind. I own and operate a rental property business, most of my tenants are students and I have a number of students that are looking for some type of secured storage. I have also heard that need from others in the area as well.

Mr. Da'Mes said at the time that you bought the property you knew that it was not zoned accordingly for mini-storage.

Mr. Loucks replied yes.

Chairman Burden asked if a brick or split block exterior or façade on the buildings would be cost prohibitive for you.

Mr. Loucks said it may be, depending on what other requirements the City has. I am finding more and more issues with development as this moves forward. Along the front with North Main Street I am told that I would need to construct new sidewalk and possibly the same along Ashby Avenue. If I need to put everything into the site, then I cannot put more money back into the buildings.

Mr. Da'Mes said there is another storage area along the gateway entry at South Main Street and it is a climate controlled storage area. It is done with a brick façade. What zoned property is this located on?

Mr. Fletcher said it is by right, on M-1 zoned property.

Mr. Da'Mes said this design does not sound like that type of design. The center building is climate controlled, so it would emulate what is on South Main Street to a certain degree; but the façade would be different.

Mr. Loucks replied yes.

Chairman Burden said the secured access means one cannot even get on to this property without having permitted access.

Mr. Loucks said yes, there is a lot of walk traffic that goes through this site between the residential area and the 7-11 on North Main Street. That too, is one of the reasons we would like to secure that area.

Chairman Burden asked if the fence along North Main Street and Ashby Avenue would be opaque; it is described as wrought iron. Will you be able to see what is behind the fence?

Mr. Loucks replied correct.

Mrs. Turner said when you talked about the middle building being a climate controlled building, the outside of the building is planned to be ringed with garage doors for regular mini-storage and interior to that would be climate controlled.

Mr. Loucks said yes, it would be a mix.

Mr. Snell said I know that the City Engineer will eventually help you work through the stormwater management issues, but this looks very small. When I see three large buildings, plus the one already existing, this increases the runoff significantly. Harvesting water, as you have mentioned in your non-proffered ideas, is a good idea. Could you talk about how much study you have done on the stormwater management, because it looks very light?

Mr. Loucks said what we are looking at for the rainwater harvesting is recovering the water from the larger building to be used for washing, landscaping and then released at times when it would be

low impact. I have discussed with the engineering firm I am working with about doing underground retention of water.

Mr. Snell said if you were to do underground retention, staff has mentioned you were considering the possibility of adding some drop inlets along Ashby Avenue to help correct problems in that area. Have you even done the feasibility of this project? Mini-storage is profitable but, I would not think that it would support an enormous infrastructure that this may require.

Mr. Loucks said my engineer informs me that it does support it.

Mr. Snell asked if gravel paving was being proposed.

Mr. Loucks said we are looking at a gravel lot which would allow as much permeation as possible. We think this plan would actually lessen the impact on Ashby Avenue than what is there currently.

Chairman Burden asked if there were any further questions for the applicant. Hearing none, he asked if there was anyone else wanting to speak in favor of this request. Hearing none, he asked if there was anyone wanting to speak in opposition of this request.

Ms. Sonya Shomo, 909 Ashby Avenue, said I am not necessarily opposing this; but, I do have a couple of concerns. I see that the owner is planning to put a fence in along my property boundary, along with the existing tree line. My only issue is that I was hoping for some sort of privacy fence, because when the leaves fall off of the trees, I would get a lovely view of the back of a storage building. Also, my other concern is the trees that are planned along North Main Street. I have a visual concern about this when pulling onto North Main Street from Ashby Avenue. I know that currently there is a bit of difficulty when trying to see along this area.

Mr. Fletcher said the applicant did proffer and we would make certain that all of those proposed trees and vegetation would not be ruining any sight distance for vehicles.

Ms. Shomo said the fencing and the privacy are her main concerns.

Chairman Burden asked if there was anyone else who would like to speak in opposition. Hearing none, he closed the public hearing and asked for discussion.

Mr. Snell said my first reaction to this was "mini-storage is not a business". I asked that question yesterday and after consideration on it I do feel it is very much a warehousing activity. Staff's interpretation that mini-storage is not a business is accurate. I cannot support this effort yet because it looks to me like a spot zoning. There are no adjacent properties that are zoned accordingly. It is going to look like and function as mini-storage, and I believe that to be a warehousing use. I also think that there are stormwater issues. A gravel parking lot certainly helps with that, but gravel does not pass near as much water as grass does and it will generate a great amount of stormwater. Right now I am not ready to support this request.

Mr. Da'Mes said he too, does not think it is the best use of this land. I understand the applicant's argument that it enhances the area and we need to develop the area. We do have a Comprehensive Plan that does not show compatibility at all for this in this area. At this time I make a motion to decline this request to rezone.

Mr. Chenault seconded the motion.

Chairman Burden said I agree with the motion and will vote that way; but I certainly would have been friendlier towards this if there would have been a lot of attention to maximizing the looks of the physical structure being built. He then asked if there was any further discussion.

Mr. Chenault said I agree with everything that has been said tonight regarding this. I find this to be a neighborhood in transition. The fact remains it is, for most intensive purposes, behind this and around this property, it is still of a residential character. Until we know which way this area is going to go, I am hesitant to make this be ground zero to begin to go in a more commercial direction.

Chairman Burden called for a voice vote on the motion.

All voted in favor of the motion (7-0) to deny the request.

Chairman Burden said this will move forward to City Council on August 11th with an unfavorable recommendation.

Public Input

None.

Report of secretary and committees

Mrs. Banks said the zoning inspectors visited the Fairway Hills section of the City this month. There were no violations in this area. Next month they will be inspecting the Smithland Road section of the City.

Other Matters

Mr. Fletcher said there was a question last month about conditions for the approved special use permit at 521 Blue Ridge Drive. I have spoken to the property owner about the landscaping and I expect that we will see that taken care of pretty soon. I believe they were just a little confused as to what the conditions meant. Also, I have been in contact with Public Works about getting the traffic visors changed and I was told today that it would be done today or tomorrow. Lastly, next week at City Council, if you are interested, there will be the presentation of the draft chicken ordinance.

Adjournment

The meeting was adjourned at 9:10 p.m.

Chairman Jared Burden

Secretary, Alison Banks